

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #3	CCRB Case #: 201803808	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/26/2018 1:20 PM	Location of Incident: 115th Precinct stationhouse; en route to Queens Central Booking	Precinct: 105	18 Mo. SOL 10/26/2019	EO SOL 10/26/2019	
Date/Time CV Reported Fri, 05/11/2018 1:49 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Fri, 05/11/2018 1:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT1 Michael Mcfadden	06001	910662	DB FCTF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Rigel Zeledon	05797	923402	DB FCTF

Officer(s)	Allegation	Investigator Recommendation
A.DT1 Michael Mcfadden	Discourtesy: At the 115th Precinct stationhouse, Detective Michael McFadden acted discourteously toward § 87(2)(b)	
B.DT1 Michael Mcfadden	Force: En route to Queens Central Booking, Detective Michael McFadden used physical force against § 87(2)(b)	

Case Summary

On May 11, 2018, § 87(2)(b) filed this complaint with the CCRB via mail.

On April 26, 2018, at approximately 1:20 p.m., while placing § 87(2)(b) inside the police vehicle at the 115th Precinct stationhouse, Det. Michael McFadden allegedly struck § 87(2)(b) with the vehicle's seat (**Allegation A: Discourtesy**, § 87(2)(g)). While en route to the Queens Central Booking, Det. McFadden allegedly punched § 87(2)(b) (**Allegation B: Physical Force**, § 87(2)(g)). § 87(2)(b) was brought to Queens Central Booking and held there.

There is no video footage of this incident. Det. McFadden provided one audio recording he made while transporting § 87(2)(b) from the 115th Precinct stationhouse to Queens Central Booking on April 26, 2018 (Board Review 04).

Findings and Recommendations

Allegation (A) Discourtesy: At the 115th Precinct stationhouse, Detective Michael McFadden acted discourteously toward § 87(2)(b)

It is undisputed that Det. McFadden and Det. Zeledon placed § 87(2)(b) behind the front passenger seat of their vehicle.

During his CCRB interview, § 87(2)(b) stated that the front passenger seat was reclined back as if someone had been lying down and § 87(2)(b) asked the officers to adjust the seat (Board Review 01). In response, Det. McFadden pushed the chair further back, hitting § 87(2)(b)'s forehead. § 87(2)(b) also complained about his handcuffs being tight while inside the vehicle.

In their CCRB testimony, Det. McFadden and Det. Zeledon stated that there were no difficulties with placing § 87(2)(b) inside the vehicle (Board Review 02 and 03). Det. Zeledon did not recall pushing the front seat all the way back (Board Review 02). Det. Zeledon and Det. McFadden did not recall if § 87(2)(b) requested the front seat to be adjusted. Det. Zeledon denied seeing Det. McFadden hit § 87(2)(b)'s head while pushing the front the seat back or seeing Det. McFadden adjust the front seat. Det. McFadden denied adjusting the front passenger seat and denied hitting § 87(2)(b)'s head with the front seat (Board Review 03).

During the interview, Det. McFadden provided a 32:02 minutes long audio recording that begins at the approximate time § 87(2)(b) was being transported from the 115th Precinct stationhouse to Queens Central Booking (Board Review 04). Det. McFadden recorded this audio unbeknownst to § 87(2)(b) because he learned from listening to jail calls that § 87(2)(b) was going to complain to IAB. At the beginning of Det. McFadden's audio recording, Det. McFadden narrates that they were departing the stationhouse to transport § 87(2)(b) to Queens Central Booking. At 05:09 minutes, an individual says, "Is there any way you could put this back up a little bit?" It is unclear who is speaking at this point. At 05:16 minutes, Det. McFadden asks, "Put what back?" The individual's response is inaudible, but the individual says the word "chair." At 05:21 minutes,

a loud sound consistent with a seat being adjusted is depicted. The individual does not say anything else.

§ 87(2)(g)

Allegation (B) Physical Force: En route to Queens Central Booking, Detective Michael McFadden used physical force against § 87(2)(b)

It is undisputed that prior to arriving at Queens court, Det. McFadden was alone inside the vehicle with § 87(2)(b) when Det. Zeledon exited the vehicle to enter a deli.

§ 87(2)(b) stated that while inside the vehicle, he argued with Det. McFadden and Det. McFadden subsequently punched him in the face (Board Review 01).

In their CCRB testimony, Det. McFadden and Det. Zeledon stated that § 87(2)(b) was quiet throughout the transport (Board Review 02 and 03). In his CCRB statement, Det. McFadden did not have any conversation with § 87(2)(b) and he did not recall § 87(2)(b) saying anything while they were alone inside the vehicle (Board Review 03). Det. McFadden stated that § 87(2)(b) did not make any movements inside the vehicle and Det. McFadden did not have any concerns for his safety. Det. McFadden denied punching § 87(2)(b) and he denied seeing § 87(2)(b) inflict injuries to himself while inside the vehicle. In his CCRB testimony, Det. Zeledon did not see any injuries on § 87(2)(b)'s face and § 87(2)(b) did not complain that he was punched or complain of any injuries (Board Review 02).

§ 87(2)(b) has two different arrest photos associated with his arrests on February § 87(2)(b) 2018 (§ 87(2)(b)), and on April 26, 2018, (§ 87(2)(b)) (Board Review 08 and 09). There are no significant differences in § 87(2)(b)'s appearance in his arrest photos aside from his facial hair.

As noted above, Det. McFadden recorded the entirety of the transport unbeknownst to § 87(2)(b) (Board Review 04). At 10:32 minutes, Det. Zeledon says that he is going to get a bottle of water and then at 12:28 minutes, Det. Zeledon asks Det. McFadden if he wanted anything and then there is a sound consistent with a door shutting. At 12:40 minutes and 13:06 minutes, two thumps are depicted in the recording, but it is unclear what produced the noises and there are no additional noises or conversations captured immediately after the thumps. The recording does not capture § 87(2)(b) speaking.

§ 87(2)(g)

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (Board Review 06).
- Det. McFadden has been a member of service for 28 years and he has been a subject in three CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of August 31, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 05).

§ 87(2)(b) [REDACTED]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date